



Appeal Decisions

Site visit made on 24 July 2025

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th August 2025

Appeal A Ref: APP/K5600/W/25/3359537

1 Cathcart Road, Kensington and Chelsea, London SW10 9NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by David Naylor-Leyland against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/02156.
 - The development proposed is the demolition of the existing house and erection of a replacement house with landscaping and associated works completed.
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Appeal B Ref: APP/K5600/W/25/3362340

1 Cathcart Road, Kensington and Chelsea, London SW10 9NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by David Naylor-Leyland against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/07674.
 - The development proposed is the demolition of the existing house and erection of a replacement house with landscaping and associated works completed.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed, and planning permission is granted for the demolition of the existing house and erection of a replacement house with landscaping and associated works completed at 1 Cathcart Road, Kensington and Chelsea, London SW10 9NL in accordance with the terms of the application, Ref PP/24/07674, subject to the conditions in the attached schedule.

Preliminary Matters

3. Both appeals relate to the same site and have the same description of development. Despite this, I have considered each appeal on its own planning merits, and I have set out my reasons for reaching the decisions that I have.
4. Plan number CC-99-330 Rev 2 was submitted by the appellant with Appeal A. This plan omits the roof light that had initially been proposed within the green roof to the rear of the proposed replacement dwelling. It also narrows the other proposed rooflights in the roof. The changes are proposed to reduce the amount of glazing proposed to overcome the Council's concerns around light spill. However, the appeal process should not be used to evolve a scheme. While there would be no substantive change to the proposal, I cannot be certain that procedural unfairness will not arise if I accept this plan given the submissions by interested parties. Thus, I will not consider this plan as part of my assessment. In any event, the appellant says that the proposed roof lights are acceptable, a point that I shall consider.

Main Issues

5. The main issue in respect of Appeals A and B is whether the proposed development would preserve or enhance the character or appearance of the Boltons Conservation Area ("CA"). A further main issue for Appeal A is whether the proposed development would affect the living conditions of neighbouring properties, with regard to light glare and light spill.

Reasons

Boltons Conservation Area

6. The appeal site lies within the CA, which is predominately characterised by Victorian terraces and villas that provide consistent architectural character, detailing, materiality and scale. They often have generous front and rear gardens that create a suburban feel, a highly legible urban form and a sense of place that holds communal value. Collectively, the buildings create a high-quality townscape and a high aesthetic value which derives from the architectural quality of the buildings. Further, as it is one of London's most important 19th century estate developments, the CA holds historical value.
7. Cathcart Road consistently displays this character until its eastern part, where, despite the three villas, there is a character shift at the corner of Cathcart Road and Redcliffe Road owing to the group of mid-20th century and early 21st century buildings. This is also influenced by the development on the opposite side of the road. Collectively, these buildings vary considerably in their style, materiality and scale, and they have a different architectural character to that which defines the CA. The development on the corner of Cathcart Road and Redcliffe Road replaced former 19th century development that was destroyed by bombing damage during World War II. The appeal property and 33/34 Redcliffe Road have a festival style, a modernist interpretation of a villa typology. This means that the building holds historic value, as it illustrates how parts of London were affected by bombing during the war and the post-war reconstruction effort. It is the only example of low-rise terrace housing of this age within the CA.
8. Further, their front façades hold modest architectural interest and character, as their two-storey façades are faced in red and yellow stock brick above a dark black plinth, with steel frame windows and a recessed front entrance door. The buildings have a strong horizontal emphasis due to the continuous stone bands above and below the ground floor windows. The buildings have a flat roof, and it is common ground that the existing building has a neutral effect on the CA, i.e., they do not make a positive contribution to the CA. Given this, Policy CD4 D.3. of the New Local Plan Review ("Local Plan") permits the demolition of the building in the CA. This part of the policy does not require an assessment of public benefits insofar as the demolition aspect of the appeal scheme.
9. Before considering the individual schemes, a common issue has been raised to both appeals about the piecemeal loss of the 1950s architectural development at the corner of Cathcart Road and Redcliffe Road and the lost understanding of it as a complete piece as a result. However, Nos 33 and 34 and the appeal property make a neutral contribution to the significance of the CA. The Council has also accepted the loss of the appeal building previously in granting planning permission. This extant planning permission would result in the loss of part of the 1950s development and see development introduced at a far greater scale and mass than what is now proposed. It would, like the appeal scheme, compromise

the postwar development so the proposals subject to Appeals and B would not result in any greater effect.

10. Furthermore, the width of each of the proposed replacement dwellings would replicate the width of the existing dwelling. While both schemes would have a slightly larger height for different reasons that would distinguish them from the other post-war development, each proposal's width is not a concern I share. I shall consider each proposal's height and design in due course.

Appeal A

11. The proposed crown roof would, despite the proposal's low-scale style, compete with the adjacent villa at No 3, and it would sit awkwardly with the flat roof of No 33/34. It would not create a suitable transition between the two. Nor would the proposed contemporary approach be an appropriate design response given its form and height. The trellis that sits in the gap between Nos 3 and 5 is not a suitable reference point to justify its height, as it could easily be removed. In any event, the height and form of the proposed crown roof would compete with the villas at Nos 3, 5 and 7. The harmful effect of the proposed crown roof (upper parts of it) would be visible from various points along Cathcart Road and its corner with Redcliffe Road.
12. The front elevation would be clad with Portland Stone above a grey stone base with bronze-framed casement windows. The CA is characterised by buildings that are finished with stone, brick, stucco, slate, timber, and glass. The stucco, which was used to imitate stone, is generally painted in the CA. The appellant seeks to mimic classical stone detailing but, despite the high-quality nature of Portland Stone, would not provide a suitable finish in this instance, as its use across most of the façade would jar with the mixed use of stucco on the lower parts of buildings and brickwork for the upper parts. As such, the proposed finish would be uncharacteristic, draw the eye, and be harmful despite the use of graded materials elsewhere. The harm that would arise from the proposed crown roof and the materials would mean that the proposal would not conserve or enhance the CA.
13. I have considered whether a planning condition could be used to overcome the identified harm due to the materials. While, in principle, this is possible, the entire front elevation would need to be changed to overcome the harm. I would also need to be satisfied that appropriate materials and detailing could respond to the neighbouring properties and achieve satisfactory joins between them. I am not certain what the outcome of this may look like, and thus, whether such a condition could be written with sufficient precision. Nevertheless, the harm relating to the proposed crown roof would remain, and this could not be overcome by the imposition of a planning condition, as it is a key element of the proposed design.
14. The Council is concerned about the relationship between the proposed roof and the roof of Nos 33 and 34 in terms of the latter's projecting eaves. The appeal scheme does not include the projecting eaves, and while I note the Council's point, I have found the proposed roof to be unacceptable in any event. That said, I do not have concerns with the proposed rear elevation's design or its relationship to the rear garden. These are, however, neutral matters in my opinion.
15. Having regard to the National Planning Policy Framework ("the Framework"), the proposed replacement dwelling would cause less than substantial harm to the CA. This is because the proposal would not create a high-quality townscape, and it

would not be building of high architectural quality that reflects the significance of the CA for the reasons set out. I place the degree of harm within that spectrum at the low to moderate end, but I give great weight and importance to the conservation of the CA, as it is an irreplaceable resource.

16. The extant planning permission would see the recreation of a 19th century villa that mimics Nos 3, 5, and 7, and there is a real prospect of this scheme taking place. However, the proposed scheme and the extant planning permission would result in developments that would have completely different scale, massing, character and appearance, which would lead to different effects on the CA, even though they would both result in a replacement dwelling. Further, the extant planning permission scheme was found to be acceptable, whereas I have identified harmful aspects of the proposal. As such, the extant planning permission would be less harmful than the proposal and does not therefore justify it.
17. The proposed dwelling seeks to be energy efficient and include sustainability measures while improving surface water runoff and drainage conditions on the site. In the context of mitigating and adapting to climate change, these measures would provide limited to moderate public benefit given the scale of the proposal despite the considerable improvements that would be made. Replacing the dwelling with a property suitable for modern day living would modestly improve the quality of the borough's housing stock. The proposed mural would introduce public art in the area, but this is a modest public benefit given the overall quality of the CA. The contemporary approach and the proposed materials are not public benefits even if they are more environmentally friendly, as I have found aspects of them to be harmful. In this case, therefore, the public benefits do not outweigh the less than substantial harm that the proposal would cause to the CA.
18. Despite the proposal's compliance with Local Plan Policy CD4 D.3., this is outweighed by my conclusion that the proposal would not preserve or enhance the character or appearance of the CA. Hence, the proposal would conflict with Local Plan Policies CD1, CD2, CD3 and CD4 and Framework paragraph 215. Jointly, these policies, among other things, state that development should respect existing context, character and appearance, including historic characteristics, through its architecture, scale, height, and the use of materials to preserve or enhance the character or appearance and significance of the CA. Where a development proposal will lead to less than substantial harm to the significance of the CA, this harm should be weighed against the public benefits of the proposal.
19. Although the Council has referred to Local Plan Policy CD10, this is not relevant to this proposal, as it does not comprise of small-scale alterations and additions as mentioned in the supporting text to that policy. Furthermore, having regard to Local Plan Policy D15, the Council have not explained how the proposal would affect any views that are identified in a conservation area appraisal and conservation area management plan. Nor do I consider the proposal to affect any view that contributes to the significance or setting of the CA. Thus, this policy is not relevant, or the proposal would accord with it.

Appeal B

20. Bearing in mind the extant planning permission, the proposal's scale, massing, and flat roof would respond to the architecture and scale of Nos 33 and 34 whilst respecting the villa at No 3 and remaining subservient to it. The proposal would not be harmful, therefore, in this respect.

21. The size, shape and positioning of the proposed ground floor windows would be small in comparison to those on the ground floor of No 3. They appear to seek to replicate the windows in No 33 facing Cathcart Road, but as proposed, they are not of a suitable proportion, and they would disrupt the rhythm along the street scene. That said, they could be altered so that they achieve a suitable transition yet create a high-quality dwelling whilst creating coherent fenestrations in the ground and first floor of the proposed dwelling. I consider that this could be achieved by imposing a planning condition to secure further details.
22. The taller openings at first floor seek to mirror the height, width, and siting of the first-floor windows in No 3, albeit they would be of their own style, which would reflect the linear style of the windows in No 33 facing Cathcart Road. The Juliet balconies are not, however, a suitable design response, as they would introduce an uncharacteristic feature which would not respond to the historic context found in the CA, which comprises of railings forming a modest balustrated balcony. They would challenge the decorative quality of the villas and thus harm the significance of the CA, as they would not create a high-quality townscape. That said, they could be omitted from the design, which would obviate that harm, and/or a suitable design response could be achieved through the imposition of a planning condition.
23. As the replacement dwelling would lie between two dwellings with different material finishes, it is important that suitable finishes are used for the front elevation of the replacement dwelling, especially at the joints between the proposal and the adjacent properties so that there is a sensitive relationship between them. The suggested planning condition to secure details of the materials and a sample panel would overcome that concern, and similarly the proposed finish for the entrance door could be reconsidered. However, I consider replicating a recessed entrance door would be a suitable nod to the existing building, including No 33.
24. I do not share the Council's concern about the relationship between the proposed roof and the projecting eaves of Nos 33 and 34, as the proposal also needs to have regard to the villas at Nos 3, 5, and 7. I give this relationship greater weight.
25. Subject to the imposition of planning conditions to secure suitable fenestrations on the proposed front elevation, I conclude that the proposed replacement dwelling would preserve the character and appearance of the CA. As this proposal would not be harmful, it is not necessary for me to consider the proposal's public benefits as part of this appeal. As such, the proposal would accord with Local Plan Policies CD1, CD2, CD3 and CD4, which jointly seek, among other matters, development that respects existing context, character and appearance, including historic characteristics through its architecture, scale, height and the use of materials to preserve or enhance the character or appearance and significance of the CA.
26. While reference has been made to Local Plan Policy CD10, this is not relevant to this proposal, as it does not comprise of small-scale alterations and additions as mentioned in the supporting text to that policy. Moreover, there is no substantive evidence to explain how the proposal would affect any views that are identified in a conservation area appraisal or management plan. Nor do I consider the proposal to affect any view that contributes to the significance or setting of the CA. Thus, Local Plan Policy D15 is either not relevant, or the proposal would accord with it.

Living conditions

27. The existing building has a series of small and modest-sized, glazed windows on

both the front and rear elevations. The proposed replacement dwelling would have multiple windows in the front and rear elevations. The Council's concern relates to the rear elevation. Here, windows are proposed across three storeys, six skylights in the roof and a roof light in the curved part of the proposal.

28. At the rear of the appeal building is a small garden and a courtyard which enables vehicular access. Owing to the layout and arrangement of properties on Cathcart Road and Redcliffe Road, Nos 33 and 34 have rear facing windows that overlook the courtyard. Added to this, No 3 has rear facing windows on each of its three storey rear elevation, including in the conservatory next to the party boundary. A conservatory is also to the rear of 35 Redcliffe Road, which, owing to ground level differences, sits broadly parallel to the appeal property's ground floor.
29. In comparison to the existing openings, the proposal would increase the amount of glazing in the rear elevation by around 10% on the existing situation. This would primarily be due to the central staircase window. That would, however, be a minor increase in the amount of glazing.
30. The appellant's Light Spill Assessment confirms that the proposal would satisfy a 1 lux threshold within neighbouring properties. This would ensure that there would not be an unacceptable impact on neighbouring residents' living conditions, particularly during the hours of darkness. There would also be no direct light spill through the proposed roof lights. So, while there may be some reflected light, there would be no line of sight of lighting within the proposed dwelling from neighbouring properties. This leads me to consider that the increased amount of glazing proposed would not cause an unacceptable impact on neighbouring residents.
31. Although there are concerns about the effect of lighting on local biodiversity, there is no substantive evidence to support the Council's assertion. In any event, a series of design recommendations are detailed in the Light Spill Assessment that could further reduce light spill arising from the proposal.
32. I conclude on this issue that the proposal subject of Appeal B would accord with Local Plan Policies CD9 and GB10, which seek development proposals to ensure good living conditions for occupants of new, existing, and neighbouring buildings, and that proposals do not create an unacceptable impact from light glare and light spill on local residential amenity.

Conditions – Appeal B

33. In the interests of certainty, I have imposed an approved plans condition for the details that are approved, but this does not include the openings in the front elevation save for the entrance door. Those details will need to be submitted to and approved by the Council along with details of the external finishes and the mural. This is to preserve or enhance the appearance of the building and the character of the area. For the same reason, I have imposed a condition so that a sample panel of the brickwork is created on site, and the development is carried out in accordance with the approved sample panel.
34. To mitigate the impact of construction work on nearby residents' living conditions and highway safety, I have imposed conditions to secure a site construction management plan and a construction traffic management plan. To ensure any impact on air quality is both minimised and managed, I have imposed a condition for a dust management plan. To ensure future occupiers' living conditions, a condition is necessary to assess the site for contaminants and to secure

appropriate remedial measures. To promote travel by bicycle, I have imposed a condition to secure details of cycle storage provision. To reduce flood risk, I have imposed a condition so that the flood risk assessment and sustainable urban drainage system are implemented and maintained thereafter.

Conclusions

35. The proposal subject of Appeal A conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Hence, I conclude that Appeal A should be dismissed.
36. The proposed development subject of Appeal B would accord with the development plan, and material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above, I conclude that Appeal B should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS – APPEAL B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with plan numbers CR-99-001 Rev P; CR-99-003 Rev P; CR-99-004 Rev P; CR-99-005 Rev P; CR-99-006 Rev P; CR-99-007 Rev P; CR-99-008 Rev P; CR-99-009 Rev P; CR-99-010 Rev P; CR-99-013 Rev P; CR-99-015 Rev P except in respect of the ground and first floor openings in the front elevation, including the railings as shown on plan numbers CR-99-011 Rev P; CR-99-012 Rev P; CR-99-014 Rev P; CR-99-016 Rev P; CR-99-017 Rev P; CR-99-018 Rev P; and CR-99-019 Rev P.
- 3) No development shall commence until full particulars of the following have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:
 - detailed section and elevation drawings of the new windows and doors (including materials), and the garage doors (scale 1:10).
 - further details of stone or other cladding materials including sample panel(s)
 - detailed design of the stone mural at a scale of 1:20
- 4) No development shall commence until an Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in writing, by the local planning authority. The development shall be carried out in accordance with the approved Appendix A Checklist and SCMP.
- 5) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:
 - a) routing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
 - b) access arrangements to the site;
 - c) the estimated number and type of vehicles per day/week;
 - d) details of any vehicle holding area;
 - e) details of the vehicle call up procedure;
 - f) estimates for the number and type of parking suspensions that will be required;
 - g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
 - h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
 - i) details of measures to protect pedestrians and other highway users from construction activities on the highway; and
 - j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby

trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan. A one-page summary of the requirements of the approved CTMP shall be affixed to the frontage of the site for the duration of the works at a location where it can be read by members of the public.

- 6) No development (including demolition) shall commence until a Dust Management Plan (DMP) [setting out best practical means to minimise construction dust in line with the Mayor of London's guidance - The Control of Dust and Emissions from Construction and Demolition] is submitted to, and approved in writing by, the local planning authority. The DMP shall be implemented during demolition and development.
- 7) Sample panels of the brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the local planning authority before the relevant parts of the approved works are commenced, and the sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved.
- 8) No occupation or use of the development hereby permitted shall commence until the actions required by parts A-E below are undertaken, and any required information is submitted to, and approved in writing by, the local planning authority.
 - a) searches of readily available environmental and historical information (EHI) and a soil sampling and analyses exercise area and a corresponding SAE report is produced.
 - b) if, after applying the current CLAIRE 'Comparing Soil Contamination Data with a Critical Concentration' guidance (or any subsequent update or replacement) to the results of soil analyses, a contaminant within the soil over a part of or the whole of a site poses an unacceptable risk to human health, a remediation strategy (RS) shall be produced.
 - c) any approved RS shall be fully implemented, and a verification report (VR) will be produced.
 - d) imported and site sourced soils shall be verified in line with the Council's CLC5 guidance for the Testing of imported and reused soils and fills.
 - e) any unexpected contamination or ground conditions shall be addressed in line with the Council's CLC2 guidance for small-scale sampling.

Where physical remedial measures are implemented to protect end-users of the development they shall be maintained. The EHI, SAE, SAE Report, RS and VR shall be undertaken in line with the Council's CLC2 guidance for small-scale sampling.

- 9) The development hereby permitted shall not be occupied until details of cycle provision and storage facilities have been submitted to and approved in writing by the local planning authority. The approved cycle facilities shall be provided before the dwelling is first occupied and shall thereafter be retained.
- 10) During construction of the development hereby permitted the submitted Flood Risk Assessment and Sustainable Urban Drainage System (SuDS) shall be implemented in full and maintained thereafter.

END OF SCHEDULE